

REMARKS

This Preliminary Amendment amends the specification in the same manner as the parent application in order to update a patent reference and to correct a minor error.

Claims 1-13 and 15-17

The examiner is invited to compare claims 1-13 and 15-17 of the present application to claims 1, 3-12 and 14-16 in the parent application. It is submitted that the reasons for allowance of claims 1, 3-12 and 14-16 set forth by the examiner during the prosecution of the parent application are also applicable to claims 1-13 and 15-17 of this application.

It may be noted in this regard that a terminal disclaimer was filed during the prosecution of the parent application in order to overcome double patenting rejections of claims 1, 3-12 and 14-16. A serial number has not yet been assigned to the present application. Accordingly, no terminal disclaimer can be filed in the present application at this time.

Claim 14

Claim 14 may be compared to claim 13 of the parent application. The latter had been rejected as unpatentable over Chau in view of Rupp in an Office action in the parent application dated 04/24/03.

It is respectfully submitted that claim 14 of the present application distinguishes the invention over Chau or Rupp, considered singly or in combination. In particular, claim 14 states that the recited billing comprises changing billing parameters during a communication, in real time, in response to user inputs including user-requested changes in preferred service provider. See, for example, FIG. 7c of the present application and the accompanying discussion beginning at p. 58, line 21.

The aforementioned Office action in the parent application had expressed the view that the “price” mentioned in Rupp inherently corresponds to the “service provider”

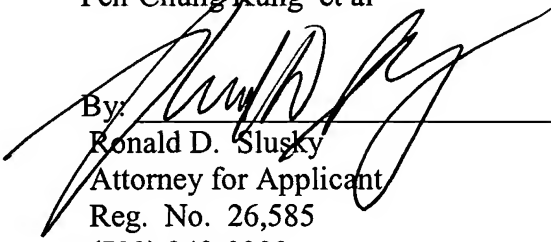
recited in the parent's claim 13. Applicants do not believe that a "price" can be equated to a "service provider," and therefore disagree with this position.

In any event, applicants find nothing in Rupp showing or suggesting that in real time, during a call, a user can request changes in preferred service provider (e.g. AT&T, MCI, Sprint, etc) as is recited in claim 14

In view of the foregoing, it is believed that claims 1-17 all distinguish the invention from Chau and/or Rupp.

Respectfully submitted,

Fen-Chung Kung et al

By: 

Ronald D. Slusky
Attorney for Applicant
Reg. No. 26,585
(732) 249-0900

Law Office of Ronald D. Slusky
P.O. Box 4378
Highland Park, New Jersey 08904-4378
Date: 5/5/07